

FILED
MAY 5, 1998

JOYCE USISKIN, SPECIAL MASTER

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Attorneys for Defendant
Philip Morris Incorporated

JOHN LIPPINCOTT, EXECUTOR OF
THE ESTATE OF JESSE LIPPINCOTT,
JR., DECEASED, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

AMERICAN TOBACCO COMPANY,
INC., et al.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY
DOCKET NO. L-10825-97
CASE CODE 241

Civil Action

TOBACCO LITIGATION

**RECOMMENDATION TO COMPEL
DISCOVERY AND EXTEND
DISCOVERY SCHEDULE BY
THIRTY DAYS**

THIS MATTER having been brought before Special Master Joyce M. Usiskin, Esquire, by counsel for defendants, upon motion for a recommendation (1) that an Order be entered compelling the named plaintiff, John Lippincott, to provide more specific answers to the interrogatories propounded upon him by defendant Philip Morris Incorporated, and (2) that an Order be entered extending the dates set forth in the Court's March 2, 1998 Order Setting

Discovery Schedule for Class Certification Issues by thirty days, and the Special Master having considered the matter and the submissions of the parties, and good cause appearing,

IT IS on the 4 day of May, 1998,

1. RECOMMENDED that defendant's motion to extend the discovery schedule for class certification be denied

2. RECOMMENDED that defendant's motion to provide more specific answers to the interrogatories propounded by defendant Philip Morris Incorporated be denied except for the following:

A. All answers which plaintiffs have agreed to provide as set forth in the transcript of oral argument dated May 1, 1998.

B. #17 shall be confined to genetically - related persons, with a degree of relationship no greater than a first cousin known to plaintiff and the question is only applicable to the injuries allegedly suffered by decedent and set forth in the complaint.

C. #10 is to be answered as to decedent only by giving the name of the municipality, state and country, the dates of residence insofar as plaintiff recalls these.

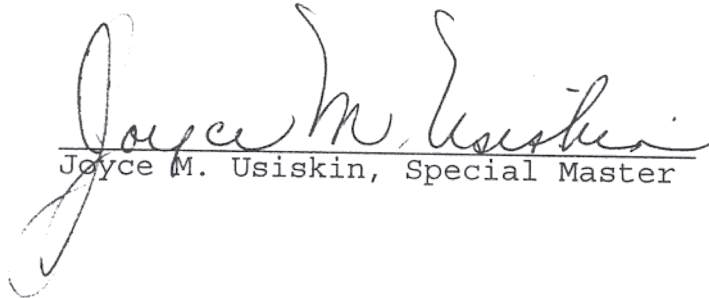
D. #18 and #19 is confined to applications and to policies for life insurance for the decedent.

E. #21 and #22 are restricted to lawsuits by the decedent alleging toxic tort injuries.

F. #23(a) and (b) shall be restricted to decedent's convictions for drug or alcohol offenses.

G. #26 (a) and (b) only is to be answered by decedent only.

Unless set forth above, any other disputed interrogatories are stricken.


Joyce M. Usiskin, Special Master

(X) opposed
() unopposed